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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 469

CITY OF MURFREESBORO, TENNESSEE,
Petitioner,

v.

RUTHERFORD COUNTY, TENNESSEE,
Respondent.

PETITION FOR A WRIT OF CERTIORARI

To the Supreme Court of Tennessee

ALFRED B. HUDDLESTON,
Murfreesboro, Tennessee,
EDWIN F. HUNT,
700 American Trust Building,
Nashville 3, Tennessee,
JOSEPH C. SWIDLER,
415 Nashville Trust Building,
Nashville 3, Tennessee,
Counsel for Petitioner.

ST. LOUIS LAW PRINTING CO., INC., 415 N. Eighth Street CEntral 1-4477

INDEX.

	Page
Citations to opinions below	2
Jurisdiction	2
Question presented	2
Statute involved	3
Statement	3
Reasons for granting the writ	9
Conclusion	18
Appendices:	
A. 16 U. S. C., Sections 831 i and 831 l, Sections 10 and 13 of the Tennessee Valley Authority Act of 1933, as amended	19
B. Decree and opinion of the Supreme Court of Tennessee and opinion of the Chancellor	24
C. S. 2925, 76th Cong., 1st Sess., amending Section 13 of the Tennessee Valley Authority Act of 1933	35
D. Excerpts from hearing before a sub-committee of the Committee on Agriculture and Forestry, United States Senate, Seventy-sixth Congress, Third Session, on S. 2925, on February 23, 1950	38
E. Excerpts from report on Section 13 of the TVA Act from the Board of Directors of the TVA to the President of the Senate and Speaker of the House of Representatives, December 22, 1944	41

Cases Cited.

Federal Trade Commission v. Bunte Bros., Inc., 312 U. S. 349	9

Kirschbaum v. Walling, 316 U. S. 517 9

Pope v. Atlantic Coastline R. Co., 345 U. S. 379 7

Rutherford County v. City of Murfreesboro, decided by the Supreme Court of Tennessee July 29, 1957, ... Tenn. ..., 304 S. W. (2d) 635 ..... 7, 12, 17

Statutes Cited.

Kentucky Rev. Stats. 96-820 10

Tennessee Code Annotated:
Sec. 6-1316 10

Tennessee Valley Authority Act of 1933, as amended:
16 U. S. C., Section 831 i and 831 l 3, 7, 11, 12, 13, 17
16 U. S. C., Section 801 m 11

Tennessee Valley Authority Act of 1933, Sec. 13, 48 Stat. 58, 66 13

Tennessee Private Acts:
Chap. 53, Sec. 1, 1945 10
Chap. 106, Sec. 7 (e), 1939 10
Chap. 246, Sec. 26 (d), 1947 10
Chap. 381, Sec. 19, 1939 10
Chap. 711, Sec. 1, 1949 10
Chap. 455, Sec. 8 (e), 1953 10
Chap. 273, Sec. 2, 1957 10
Chap. 404, Sec. 2, 1953 10
Chap. 176, Sec. 8, 1955 10
Chap. 348, Sec. 12, 1957 10
Chap. 465, Sec. 18, 1939 10

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Cong. Rec., Vol. 86, Part 5, p. 8076, June 12, 1940 15
Cong. Rec., Vol. 86, Part 8, p. 8868, June 21, 1940 15
Hearings before the Committee on Military Affairs, House of Representatives, 76th Congress, 3rd Sess., on H. R. 7424, etc. 15

Hearings before the Senate Committee on Appropriations, 76th Cong., 3rd Sess., on H. J. Res. 544, pages 149-162, May 30, 1940 15

Hearings, Sub-committee of the Senate Committee on Agriculture and Forestry, 76th Congress, 3rd Session, on S. 2925, 1940, pp. 3-5 14

Report No. 1754, Calendar No. 1840, Senate Committee on Appropriations, 76th Congress, 3rd Sess., June 5, 1940, p. 9 15

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RUTHERFORD COUNTY, TENNESSEE,
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PETITION FOR A WRIT OF CERTIORARI
To the Supreme Court of Tennessee.

The City of Murfreesboro, Tennessee, prays that a writ of certiorari issue to review the judgment of the Supreme Court of Tennessee, entered in the above entitled case on July 27, 1959.

CITATIONS TO OPINIONS BELOW.

The opinion of the Chancery Court of Rutherford County, Tennessee (R. 34), is unreported. The opinion of the Supreme Court of Tennessee (R. 127) is not yet officially reported and is unofficially reported, 326 S. W. (2d) 653. Both opinions are printed in Appendix B hereto, infra, p. 25 and p. 31, respectively.

JURISDICTION.

The judgment of the Supreme Court of Tennessee was entered on July 27, 1959 (R. 134, Appendix B, p. 24, infra). No petition for rehearing has been filed and the time for filing such a petition has expired. The jurisdiction of this Court is invoked, under 28 U. S. C., Section 1257 (3), because this cause is based upon a right claimed under a statute of the United States, Tennessee Valley Authority Act of 1933, as amended, 16 U. S. C., Section 831.

QUESTION PRESENTED.

Whether Congress has required that a city pay to a county moneys received by the city's general fund from the city's electric distribution system measured by the equivalent of county ad valorem taxes, when the city purchases its power supply from TVA under a contract which provides that the city's general fund may receive from funds of the electric distribution system a maximum amount in lieu of taxes measured by state, county and municipal ad valorem tax equivalents.

This question was first raised by demurrer to the complaint in the trial court (R. 29); was considered and

decided by that Court (R. 31); was raised in the State Supreme Court (R. 41); and was considered and decided by that Court as "the determinative question" (R. 128).

STATUTE INVOLVED.

The statutory provisions involved are Sections 10 and 13 of the Tennessee Valley Authority Act of 1933, as amended, 16 U. S. C., Section 831 i and 831 l. They are printed in Appendix A, infra, pp. 19 and 20. The language deemed of special pertinence is printed in black face type.

STATEMENT.

Rutherford County, Tennessee on November 17, 1958 filed a Bill of Complaint against the City of Murfreesboro, Tennessee, which operates an electrical distribution system within the City and County, operating as a separate department of the City, designated as the "Murfreesboro Electric Department" (R. 5, et. seq.). The City obtains its wholesale power supply from TVA. On April 23, 1957 the City terminated its then existing wholesale power contract with TVA and entered into a new contract to continue for twenty years from said date (R. 6). The Bill alleges that said power contract between TVA and the City (Petitioner) imposes upon the City a contractual obligation to pay over to the County, in accordance with the alleged requirements of Section 13 of the TVA Act, as amended by Section 39 of the Act of June 26, 1940, 54 Stat. 611, 16 U. S. C., Section 831 l (Appendix A, infra, 21), any amounts collected by the City from the electric system representing tax equivalents or in lieu of tax payments computed or determined on the basis of ad valorem property tax rates of the County. (Complaint, paragraphs IV and V; R. 7-11.)